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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ole K. Nilssen
Entitled: SELF-BALLASTED SCREW-IN
FLUORESCENT LAMP
Serial Number: 07/020,478
Filing Date: 03/02/87
Art Unit: 266
Examiner: DAVID K. MOORE

I, OLE K. NILSSEN, HEREWITH
CERTIFY THAT THE DATE OF
DEPOSIT WITH THE U.S. POSTAL
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IS: 6-5-88

APPEAL BRIEF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Pursuant to Notice of Appeal, Applicant herewith provides
a Brief in accordance with 37 U.S.C. 1.192.

A check (#2625) for the \$65.00 fee is enclosed.

At issue is the propriety of Examiner's rejection of: i)
claims 1-4 and 6-15 under 35 U.S.C. 103 over Skwirut et al
("Skwirut"), Anderson '751 ("Anderson") and Nilssen '364
("Nilssen"); ii) claim 6 under 35 U.S.C. 102(e) over Skwirut; and
iii) claims 6 and 13-15 under 35 U.S.C. 103 over Skwirut
and Nilssen.

A copy of the rejected claims is enclosed.

PRO SE APPLICANT

Subject appeal is being prosecuted by Applicant without
the benefit of counsel.

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CONCISE EXPLANATION OF INVENTION

The invention may be concisely described by claims 1, 6 and 10, as follows.

1. An arrangement comprising:

gas discharge lamp means (11) having lamp terminals (13/14);

frequency-converting power supply and ballasting means (16) having input terminals (17/18) and output terminals (those connected with 13 and 14), the output terminals being: i) connected with the lamp terminals, and ii) operative, whenever ordinary power line voltage is applied to the input terminals, to provide operating voltage to the lamp terminals, the frequency of the operating voltage being different from that of the power line voltage; and

base means (19/12) operative to rigidly hold together the lamp means and the frequency-converting power supply and ballasting means, thereby to form an integral lamp unit (10), the base means having: i) a screw base (19) operative to be screwed into and held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes, and ii) electrode means connected with the input terminals and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes.

6. An arrangement comprising:

power supply means (24) having input terminals (28/29) and output terminals (junction 37 and the junction between inductor 51 and primary winding 48), an AC output voltage being provided at the output terminals whenever the input terminals are provided with a power line voltage such as that normally present at an ordinary electric utility power line;

a series-combination of an inductor (51) and a capacitor (52) connected across the output terminals and constituted such as to exhibit series-resonant action at or near the fundamental frequency of the AC output voltage;

gas discharge lamp means (26) having a set of lamp terminals (13/14) connected in parallel circuit with the capacitor, thereby to constitute a load as well as an over-load protection means for the series-resonant series-combination; and

base means (12/19) operative to hold together the power supply means, the series-combination, and the gas discharge lamp means, thereby to form an integral lamp unit (10), the base means having: i) a screw base (19) operative to be screwed into and to be held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes at which is sometimes provided the power line voltage from an ordinary electric utility power line, and ii) electrode means connected with the input terminals and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes;

such that the lamp unit can be screwed into and be held by an ordinary Edison-type lamp socket, thereby to be properly powered from the power line voltage sometimes provided at the socket electrodes thereof.

10. The arrangement of claim 1 wherein the frequency-converting power supply and ballasting means comprises: i) rectifier means (23) connected with the input terminals and operative to provide a DC voltage at a set of DC terminals (38/39), and ii) inverter means (consisting of principal elements 42/43/47/49/51/52) connected with the DC terminals and operative to provide to the output terminals (the terminals of capacitor 52) a voltage of substantially sinusoidal waveshape (Fig. 3D).

AUTHORITIES

The authorities to be relied upon in this Appeal Brief are as follow.

(1) Natural Law, by which Applicant means to refer to verifiable reality, facts, truths, the laws of physics, the laws of mathematics/logic/reason, etc.

Thus, for instance, in accordance with Natural Law, a man can not walk on water, regardless of what other laws may proclaim.

(2) Common Law, by which Applicant means particularly to refer to commonly accepted/used words and phrases of the English language -- the English language being by unavoidable necessity a basic constituent of Common Law;

(3) Statutory Law, particularly paragraph 103 of the Patent Law (as interpreted according to the plain meaning of its language); and

(4) Case Law, particularly recent decisions by the CAFC to the extent that these decisions do not conflict with superior laws.

Of course, Natural Law preceedes and is superior to both Common Law and Statutory Law. Case Law is inferior to both Common Law and Statutory Law, as well as to Natural Law.

Thus, Case Law is valid only as long as it does not conflict with Natural Law, Common Law and/or Statutory Law.

ARGUMENTS IN SUPPORT OF ALLOWABILITY

Applicant traverses Examiner's various rejections for reasons as follow.

In re First Set of Rejections

Examiner rejected claims 1-4 and 6-15 under 35 U.S.C. 103 as being unpatentable over Skwirut, Anderson and Nilssen.

Applicant traverses these rejections for the following reasons.

(a) The Nilssen reference is inapplicable because: i) Nilssen and Applicant is one and the same person; and ii) the Nilssen patent was issued on April 23, 1985, whereas the priority date of the claimed invention is August 14, 1980.

(b) Applicant refers to arguments presented in his Amendment A, pages 4-6; which arguments are herewith incorporated into instant Appeal Brief.

In effect, Examiner did not respond to those arguments, particularly not the arguments presented in section (d) on page 4 of Amendment A.

(c) Basically, Examiner's position is that -- starting with Skwirut -- it would have been obvious to a person having ordinary skill in the art pertinent hereto ("skilled artisan") to seek to combine the teachings of Skwirut with those of Anderson in such a particular manner as to attain the claimed invention as it is specifically defined.

As for motivation for combining Anderson with Skwirut, Examiner refers to Skwirut's suggestion to the effect that high frequency may be used for operating the fluorescent lamp. Examiner does not say where in Skwirut he finds such suggestion, but Applicant presumes that Examiner means to refer to Skwirut's column 12, lines 33-41.

However, in column 12, lines 33-41, Skwirut clearly teaches away from making the frequency-converting power supply an integral part of the screw-in fluorescent lamp means. There, Skwirut says that if "the ballast and other circuit components were physically separated from the fluorescent lamp and made part of a specially-designed lighting fixture ... high-frequency converters ... can be used to increase the efficacy".

Had Skwirut thought that it would be feasible simply to substitute his conventional ballast means (elements 15, 16 and 17 of his Fig. 1) with a frequency-converting electronic ballast means he would have had no need to preface his suggestion with the particular "if"-condition indicated. Instead, he would simply have made his suggestion straight-forwardly, without pre-conditions.

(d) Claims 9, 10 and 13 each expressly defines a feature whereby the high-frequency current/voltage provided to the lamp terminals is:

"of substantially sinusoidal waveshape".

Neither Skwirut nor Anderson suggests this feature.

(e) Claim 11 expressly defines a feature whereby:

"the inverter means having a pair of transistors series-connected across the DC terminals".

Neither Skwirut nor Anderson suggests this feature.

(f) Claims 12 and 15 each expressly defines a feature whereby the inverter means comprises:

"saturable inductor means".

Neither Skwirut nor Anderson suggests this feature.

In re Second Set of Rejections

Examiner rejected claim 6 under 35 U.S.C. 102(e) as being anticipated by Skwirut.

Applicant traverses this rejection for the following reasons.

(g) Applicant refers to the arguments presented on page 6 of his Amendment A; which arguments, in effect, Examiner failed to respond-to.

(h) In justifying his rejection of claim 6, on page 5 of his final office action, Examiner states that Skwirut's power supply has:

"a series combination of a choke and condensor, an inductor and a capacitor), across the output of the power supply, being in series resonance at or near fundamental frequency".

Applicant interprets this statement as follows:

"a series combination of a choke and a condenser (an inductor and a capacitor) across the output of the power supply, the series combination being in series resonance at or near the fundamental frequency of the voltage provided by the power supply".

Based on this interpretation, Applicant submits that Examiner has a completely erroneous understanding of Skwirut's circuit arrangement.

As a skilled artisan would readily understand, Skwirut's condenser 16 is definitely not operative to resonate with choke or inductor 15 at the frequency of the power line voltage.

Where in Skwirut does Examiner find a suggestion with respect to such resonance?

In re Third Set of Rejections

Examiner rejected claims 6 and 13-15 under 35 U.S.C. 103 as being unpatentable over Skwirut and Nilssen.

Applicant traverses these rejections for the main reason that Nilssen represents an non-applicable reference.

In re All Rejections

Otherwise, Applicant traverses Examiner's rejections for the following reasons.

(i) Examiner clearly does not possess ordinary skill in the particular art pertinent to the invention claimed herein. Consequently, in view of arguments presented hereinbelow, Examiner's opinions with respect to facts, details, circumstances, issues, etc. pertaining to this particular art can have no legal relevance. His opinions must simply be regarded as uninformed opinions.

Thus, Examiner's rejections are based on an inherently faulty procedure, a procedure in which Examiner based his rejection on his own (uninformed) opinions with respect to facts, details, circumstances, etc. relative to the particular art pertinent to the claimed invention.

Proper procedure would require of Examiner to base any rejections only on informed opinions; which, with respect to the particular art pertinent to the claimed invention, must be the opinions of a person who does possess ordinary skill that particular art.

CONCLUDING REMARKS

It is abundantly clear to Applicant that Examiner lacks ordinary skill in the particular art pertinent to the claimed subject matter. That being the case, Examiner's prima facie impressions, opinions, etc. with respect to that particular subject matter can have no legal relevance. Hence, Examiner has provided no legally relevant evidence to the effect that the claimed subject matter was anticipated or would have been obvious to a person having ordinary skill in that particular art.

In other words, lacking even ordinary skill in the particular subject matter herein claimed, Examiner's opinions with respect to facts, circumstances, relationships, values, etc. within and/or with respect to that particular subject matter must be considered as strictly uninformed opinions, and can therefore not be accorded any legal relevance.

Compared with a person not possessing ordinary skill in a particular subject matter, a person who does possess such skill would have to be considered an expert with respect to that particular subject matter. Thus, in effect, Examiner has been acting as his own expert counsel without having the skill necessary to qualify as such expert counsel.

For an individual to render legally/professionally relevant opinions with respect to what may or may not be obvious to a person having ordinary skill in a particular art, it is necessary for that individual himself to possess at least ordinary skill in that particular art. Otherwise, the individual would lack the particular literacy/culture/vocabulary/pre-dispositions/values/concerns/etc. associated with that particular art; which lack would prevent the individual from properly perceiving/interpreting/applying/combining/etc. facts/issues/advantages/

problems/references/etc. of that art, as well as from properly judging what would be obvious versus what would be unobvious to a person who does possess ordinary skill in that art.

Clearly, a proposition that may be prima facie obvious to a person possessing less than ordinary skill in a given art may not be prima facie obvious to a person who does possess such ordinary skill. This might be so for the reason that the person with the lower skill level may not perceive problems associated with the proposition, which problems might clearly and immediately be perceived by the person of the higher skill level.

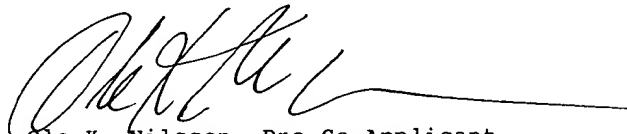
In its proceedings, Applicant anticipates that the Board may refer to the so-called "hypothetical person" in connection with evaluating the patentability of the claimed invention. Applicant objects to the use of this "hypothetical person" concept for the following reasons.

Clearly, in view of paragraph 103 of the Patent Law, the basic issue involved in the determination of obviousness relates to what would be obvious "to a person having ordinary skill in the art to which the subject matter belongs".

Moreover, within the plain meaning of the words actually used in paragraph 103, the term "person having ordinary skill" does not in any way relate to some "hypothetical person".

Any court-decision "authorizing" such an interpretation is clearly wrong as a matter of superior law (i.e., Natural Law and/or Common Law). Rather, absent clear indications to the contrary, the term "person having ordinary skill" must be interpreted in accordance with its plain meaning.

As a bottom line conclusion, Examiner has not provided any evidence of anticipation or obviousness of the claimed invention.


Ole K. Nilssen, Pro Se Applicant

312-658-5615

Date: 5-24-88

CLAIMS

1. An arrangement comprising:

gas discharge lamp means having lamp terminals;

frequency-converting power supply and ballasting means having input terminals and output terminals, the output terminals being: i) connected with the lamp terminals, and ii) operative, whenever ordinary power line voltage is applied to the input terminals, to provide operating voltage to the lamp terminals, the frequency of the operating voltage being different from that of the power line voltage; and

base means operative to rigidly hold together the lamp means and the frequency-converting power supply and ballasting means, thereby to form an integral lamp unit, the base means having: i) a screw base operative to be screwed into and held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes, and ii) electrode means connected with the input terminals and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes.

2. An arrangement comprising:

gas discharge lamp means having lamp terminals, which, for optimally effective lamp operation, must be supplied with an operating voltage of frequency different from that of the power line voltage normally present on an ordinary electric utility power line;

frequency-converting power supply and ballasting means having input terminals and output terminals, the output terminals being connected with the lamp terminals and being operative, whenever power line voltage is applied to the input terminals, to provide the operating voltage thereto; and

base means operative to rigidly hold together the lamp means and the frequency-converting power supply and ballasting means, thereby to form an integral lamp unit, the base means having: i) a screw base operative to be screwed into and held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes, and ii) electrode means connected with the input terminals and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes.

3. An arrangement comprising:

gas discharge lamp means having lamp terminals;

rectifier means having AC input terminals and DC output terminals, a DC voltage being supplied at the DC output terminals in response to the provision at the AC input terminals of the power line voltage normally present on an ordinary electric utility power line;

inverter means connected with the DC output terminals and operative to provide a high-frequency output voltage at a set of high-frequency output terminals, the frequency of the high-frequency output voltage being substantially higher than that of the power line voltage present on an ordinary electric utility power line;

L-C tank circuit means connected with the high-frequency output terminals and operative to resonantly interact with the high-frequency output voltage provided thereat, the L-C tank circuit having a tank inductor and a tank capacitor, the gas discharge lamp means being effectively connected in parallel with the tank capacitor; and

*Mr. Hov
+ Jack*

base means operative to hold together the gas discharge lamp means, the rectifier means, the inverter means and the L-C tank circuit means, thereby to form an integral lamp unit, the base means having: i) a screw base operative to be screwed into and to be held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes at which is sometimes provided the power line voltage present on an ordinary electric utility power line, and ii) electrode means connected with the AC input and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes;

whereby the lamp unit can be screwed into and be held by an ordinary Edison-type lamp socket, thereby to be properly powered from the power line voltage sometimes provided at the socket electrodes thereof.

4. The arrangement of claim 3 wherein: i) the L-C tank circuit comprises a series-combination of an inductor and a capacitor, and ii) this series-combination is series-resonant at or near the frequency of the high-frequency output voltage.

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6. An arrangement comprising:

power supply means having input terminals and output terminals, an AC output voltage being provided at the output terminals whenever the input terminals are provided with a power line voltage such as that normally present at an ordinary electric utility power line;

a series-combination of an inductor and a capacitor connected across the output terminals and constituted such as to exhibit series-resonant action at or near the fundamental frequency of the AC output voltage;

gas discharge lamp means having a set of lamp terminals connected in parallel circuit with the capacitor, thereby to constitute a load as well as an over-load protection means for the series-resonant series-combination; and

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base means operative to hold together the power supply means, the series-combination, and the gas discharge lamp means, thereby to form an integral lamp unit, the base means having: i) a screw base operative to be screwed into and to be held by an ordinary Edison-type lamp socket, the lamp socket having socket electrodes at which is sometimes provided the power line voltage from an ordinary electric utility power line, and ii) electrode means connected with the input terminals and operative, after the base means having been screwed into the Edison-type lamp socket, to make contact with the socket electrodes;

such that the lamp unit can be screwed into and be held by an ordinary Edison-type lamp socket, thereby to be properly powered from the power line voltage sometimes provided at the socket electrodes thereof.

7. The arrangement of claim 6 wherein the power supply means comprises:

rectifier means connected with the input terminals and operative, whenever the power line voltage is supplied thereto, to provide a DC voltage at a center-tapped DC output;

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half-bridge inverter means connected between the center-tapped DC output and the output terminals, the half-bridge inverter means being operative to convert the DC voltage to the AC output voltage.

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8. The arrangement of claim 6 wherein the AC output voltage is characterized as having a fundamental frequency that is different from that of the power line voltage.

9. The arrangement of claim 1 wherein the frequency-converting power supply and ballasting means comprises: i) rectifier means connected with the input terminals and operative to provide a DC voltage at a set of DC terminals, and ii) inverter means connected with the DC terminals and operative to provide to the output terminals a current of substantially sinusoidal waveshape.

10. The arrangement of claim 1 wherein the frequency-converting power supply and ballasting means comprises: i) rectifier means connected with the input terminals and operative to provide a DC voltage at a set of DC terminals, and ii) inverter means connected with the DC terminals and operative to provide to the output terminals a voltage of substantially sinusoidal waveshape.

11. The arrangement of claim 1 wherein the frequency-converting power supply and ballasting means comprises: i) rectifier means connected with the input terminals and operative to provide a DC voltage at a set of DC terminals, and ii) inverter means connected with the DC terminals and operative to provide to the output terminals a voltage suitable for starting and operating the gas discharge lamp, the inverter means having a pair of transistors series-connected across the DC terminals.

12. The arrangement of claim 1 wherein the frequency-converting power supply and ballasting means comprises: i) rectifier means connected with the input terminals and operative to provide a DC voltage at a set of DC terminals, and ii) inverter means connected with the DC terminals and operative to provide to the output terminals a voltage suitable for starting and operating the gas discharge lamp, the inverter means having transistor means operative to oscillate by way of positive feedback administered by way of saturable inductor means.

13. The arrangement of claim 6 wherein an AC load voltage is present across the capacitor, which AC load voltage is of substantially sinusoidal waveshape.

14. The arrangement of claim 6 wherein the AC output voltage may reasonably be characterized as being a squarewave voltage.

15. The arrangement of claim 7 wherein the half-bridge inverter means is made to oscillate by way of positive feedback administered by way of a saturable inductor means.